

REMARKS

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, it is asserted that the specification teaches a ratio of surfactant to water of 1:46 to 1:10, while the claim teaches 4:1 to 10:1. Applicant believes that the examiner's statements refer to the text of claim 8. Claim 8 has been amended in order to conform to the teaching of the specification. Reconsideration and withdrawal of the objection is requested.

Claims 7 and 8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the examiner has stated that claim 7 is not clear about what the amount is effective to accomplish. Claim 7 has been amended to refer to "an effective amount to create a stable foam within the well." Reconsideration and withdrawal of the rejection is requested.

Claims 1-4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Shachat (4012437). Claims 1-4 and 6 have been canceled.

Claims 1-4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Horodysky (4587025). Claims 1-4 and 6 have been canceled.

Claims 6 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by England (6720290). Claim 6 has been canceled. Claim 7 has been amended to include limitations similar to those of claim 6 and also to emphasize the amphoteric surfactant is introduced in "an effective amount to create a stable foam within the well." Whereas England teaches that certain compositions are effective for *fracturing a formation and involve pumping the fracturing fluid into the borehole and out into the surrounding formation* (See England, col. 4, lines 30-38), the present claim 7 is directed to creating a stable foam within the well itself. Accordingly, England does not expressly or inherently

disclose each and every limitation of the claim 7. Reconsideration and withdrawal of the rejection is requested.

Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Qu (2002/0023752). Claim 6 has been canceled. Claim 7 has been amended to include limitations similar to those of claim 6 and also to emphasize the amphoteric surfactant is introduced in "an effective amount to create a stable foam within the well." Whereas Qu teaches that certain compositions are effective for use *in aqueous zones of the subterranean formation* (See Qu, Abstract, line 13), the present claim 7 is directed to creating a stable foam within the well itself. Accordingly, Qu does not teach or suggest each and every limitation of the claim 7. Reconsideration and withdrawal of the rejection is requested.

Claims 1 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shachat (4012437). Claims 1 and 5 have been canceled.

The Applicant would draw attention to new claims 9-16. Entry and consideration of these claims is respectfully requested.

Specification support for claim 9 is found at page 2, lines 16-22.

Specification support for claim 10 is found at page 19, lines 10-12.

Specification support for claim 11 is found at page 4, lines 8-11.

Specification support for claim 12 is found at page 1, lines 5-7.

Specification support for claim 13 is found at page 1, line 9 to page 2, line 15.

Specification support for claim 14 is found at page 6, lines 16-17.

Specification support for claim 15 is found at page 11, line 20 and page 7, lines 13-14.

Specification support for claim 16 is found at page 18, lines 4-7 and page 7, lines 13-14.

The Commissioner has permission to charge deposit account number 50-0714/CHAM-0029 for all fees or surcharges associated with filing these documents.

Respectfully submitted,

/Jeffrey L. Streets, #37,453/

Jeffrey L. Streets
Registration No. 37,453
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444
Attorney for Applicant